



TITLE:

Well-being and using persons (Proceedings of the CAPE International Workshops, 2013. Part I: The CAPE International Conference “Ethics and Well-being”)

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CITATION:

Kaufmann, Paulus. Well-being and using persons (Proceedings of the CAPE International Workshops, 2013. Part I: The CAPE International Conference “Ethics and Well-being”). CAPE Studies in Applied Philosophy and Ethics Series 2014, 2: 3-15

ISSUE DATE:

2014-03-24

URL:

<https://doi.org/10.17983/203271>

RIGHT:

Well-being and using persons

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Introduction

In this paper I approach the topic of well-being by analysing its relation to the idea that it is morally wrong to use persons merely as means. The assumption that it is morally wrong to use a person is deeply entrenched in common sense morality. The prohibition against using people plays an important role in the theoretical discussions of moral philosophy, and in Applied Ethics diverse practices are judged by asking if they involve the use of persons. The common employment and broad acceptance of the prohibition notwithstanding, many intriguing questions with regard to scope, role, and justification of the prohibition come into mind: First, we have to know what practices actually fall within the scope of the prohibition to use people. Second, it is unclear what exact role the prohibition can play within moral theory. Third, it still needs to be explained why using people is morally wrong.

We can actually get at a good explication of the idea of using persons, however, if we focus on paradigmatic examples. The example I am going to start with is taken from a short story by Vladimir Nabokov and is a very clear case of using a person:

More than 15 years before publishing his world-famous novel *Lolita* Vladimir Nabokov wrote a short-story with a similar plot. The story that the novella entitled *The Enchanter* narrates summarises as follows: A paedophile man marries a terminally ill woman in order to obtain custody over her daughter. Shortly after the marriage the mother dies and the eponymous ‘enchanter’ takes his stepdaughter on a trip by car. In a hotel he masturbates looking at the half-naked girl supposing that she is asleep. The girl wakes up though, begins to scream and thereby attracts the other guests of the hotel. The enchanter escapes

from the hotel and throws himself in front of a truck. I think everyone who listens to the events of Nabokov's novella is shocked by its protagonist's behaviour. The game he plays with mother and daughter is abhorrent and only the end of the story alleviates our indignation when the 'cynical, contemptible protagonist' (D. Nabokov 2009, p.74) receives a due punishment. But while it is clear that the enchanter's behaviour is wrong, it is not obvious why we find it so repelling. In fact, the enchanter does not kill or rape or physically violate the girl or her mother. He does not commit any of the crimes that easily come to our minds when we think of the atrocities committed by human beings. But we certainly find his behaviour strongly despicable. What, then, explains our indignation towards the events that Nabokov relates? To my opinion, the most convincing characterization of the moral wrongs that are depicted in the story is offered by Nabokov's son Dmitri in the postscript to his edition of the text. He criticizes the enchanter by saying that the woman is to him 'a repellent means to a criminal end and the girl an instrument for his gratification' (D. Nabokov 2009, p.75). To my opinion, this description captures well our intuitions towards the summary of the story given above. It seems very convincing to say that the protagonist's treatment of both the mother and the daughter is repelling because he uses them merely as means and tools in his sneaky plan.

Using tools and using persons

But what do we mean by the expression 'to use somebody merely as a means'? The most typical use of 'use' is the use of material objects, objects that were often build to be used such as tools, pens or machines. It therefore suggests itself to analyse the expression 'to use a person' by comparing it with the expression 'to use a tool'. Unsurprisingly both expressions have many features in common. According to my analysis to say that somebody uses a person or a tool basically three conditions have to be fulfilled:

First, I only use a tool if I do something with the tool. If I only look at a hammer or talk about it I do not thereby use it. Similarly I only use a person if I interact with that person. This condition should be understood to imply that an act of mine has some foreseeable effect on that other person.

I have to admit, though, that natural language is rather vague on this point. Imagine the following case:

Helicopter: A helicopter is looking for a place to land. The pilot knows the region to be very muddy. He therefore looks for people strolling around and lands close to where they had been walking.

It is not unnatural to say that the pilot uses the people as points of orientation. But then the example seems to conflict with the first condition as he is not interacting with them in the relevant sense: His action is not likely to affect them in any way. But we can respond to this objection that we in fact do hesitate to say that the pilot *uses* the walkers even if we feel more comfortable to say that he uses them as points of orientation. It is in connection with expressions of the form ‘as an A’ that the interaction condition can be violated. This is a common phenomenon, as gets clear when we think of using tools. I do not use a knife when I only look at it. But although I’m only looking at it I might use it *as a model* for drawing. Our ambiguous reaction towards examples such as *Helicopter* are thus due to the peculiarities of the expression ‘to use something *as something*’ and it is unnecessary to cover these examples in a definition of the expression ‘to use a person’.

Second, in our interaction we pursue a goal that is not directed towards a state of the tool itself. That is, we do not use a knife if we sharpen it because the sharpness we are aiming at is a state of the knife itself. Similarly, A does *not* use a person B if in interacting with him she is finally aiming at a state that is supposed to be good or even at a state that is supposed to be bad for B. Consider the following two examples:

Christmas: In December Ron and Jill are doing some shopping. Jill gets enthusiastic about a scarf but doesn’t buy it. Half an hour later Ron pretends that he forgot something. But in fact he goes back to the shop and buys the scarf as a Christmas present for Jill.

Insult: A young man on a bicycle drives in the middle of the road thereby preventing a car to take over. When the car finally manages to pass the bicycle the car driver opens the window and shouts derogatory words to the cyclist.

It seems clear to me that in none of these situations we would speak of someone *using* another person. Ron cheats on Jill to realize one of his goals, but as his goal is to promote Jill’s well-being we wouldn’t say that Ron uses Chris. In *Insult*, the car driver wants to offend the cyclist, but he does not use him. The reason for our hesitation to speak of using in this case seems to be due to the fact that the driver’s act is *directed against* the cyclist. These two points may be taken together by claiming that for A to use B A must pursue a

goal that *points away* from B¹. A is then neither acting to bring about a state that is good for B, nor to bring about a state that is bad for her. He is thus not acting for B's sake at all and his end can be spelled out without essentially referring to B.

This is thus the first thing we can record about the relation between well-being and using persons: Behaviour that aims at the well-being of a person falls into another category as using a person. Behaviour that aims at the well-being can be wrong, to be sure, – paternalism is a pertinent example – but it is wrong for other reasons.

The *third* condition for using a tool or a person is that we only use something if we interact with it *because* we believe it to be useful for our purposes. We don't use a hammer for example, if we take it out of the tool box to have more space to look for the screw driver. In this case the hammer is not useful to us but an obstacle in pursuing our goal. We are also not using a can on the street that we kick away because we are angry. Similarly, A only uses a person B if A believes that B can contribute to his goal. B's presence or participation² must thus play a role in A's plan towards his ends as the following examples may illustrate:

Pollution: The chemistry company Chisso introduces industrial waste polluted with mercury into the open sea close to the city of Minamata. Approximately 10,000 people are severely harmed.

Chisso certainly interacts with the people of Minamata and pursues a goal that does not refer to these people. It would have been a lot easier for the responsible managers of Chisso, though, to realize their goal without these people. Thus Chisso didn't use them.

The definition that I have adopted from common sense thus consists of three conditions: For A to use B, A must interact with B, he must believe that B can be helpful in achieving one of A's ends and A's ends must point away from B. We should notice, however, that this definition includes cases like the following one:

Crossing the River: A has to cross a river to escape from his persecutors. The river is too deep and broad to wade through or to jump over, but it would be sufficient to get something

¹ I am borrowing this expression from Norvin Richards, "Using People", *Mind* 87, no. 1 (1978): p.99.

² The distinction between presence and participation was first brought forward by Arthur Flemming, "Using a Man as a Means," *Ethics* 88, no. 4 (July 1978): 283-298; the distinction was also adopted in the definition of Warren S. Quinn, "Actions, Intentions, and Consequences: The Doctrine of Double Effect," *Philosophy and Public Affairs* 18, no. 4 (Autumn 1989): 334-351; and by Thomas Scanlon in his *Moral dimensions*, Cambridge, Mass.: Belknap Press of Harvard University Press, 2008, p.106.

in the river that A could use as a bridge. A therefore shoots a person B standing at the riverbank, B falls into the river and A walks on B's back to the other side.

In this example A interacts with B, he believes B to contribute to his plan and he pursues a goal that points away from B. A therefore uses B according to the definition that I proposed so far. But examples such as *Crossing the River* hardly come to mind when we think about using people in a moral sense. Nevertheless, many of the examples discussed in the philosophical literature as cases of using people make use of the presence and not of the participation of the other person. Two very famous examples are two variations on the even more famous *Trolley Case*³. In the *Trolley Case* a bystander sees a driverless train out of control running towards a tunnel where five people are working. His only chance to save these people's lives is to operate a turnout. Unfortunately there is one other person working on the track to which he could redirect the train. There is great discussion about the moral evaluation of the options open to the bystander. In some arguments it is stressed that the bystander would not be *using* the one person on the second track and would therefore be justified in sacrificing him. This argument can be backed up by the following case⁴:

Bridge: A driverless, runaway train is heading for a tunnel. In the tunnel five people are working who will be killed if the train runs on. Person A is a bystander and has only one chance to stop the train: There is one other person B standing on a bridge above the track. A opens a trap-door, so that B falls in front of the train and triggers its automatic brake.

Proponents of the argument that the bystander is allowed to save the five workers in the original *Trolley Case* because he would not be using the one person, feel confirmed by this example and the typical intuition that it is wrong to throw the man in front of the train. They can argue that this negative intuition is due to the fact that we would use the man in *Bridge*, but we would not be using the one person in the *Trolley Case*. In *Bridge* the presence of the man plays a role in achieving our aim, whereas the presence of the one person on the side track in the *Trolley Case* is a hindrance rather than a means in our plan. The question of

³ The case was first presented by Philippa Foot, "The Problem of Abortion and the Doctrine of Double Effect," *Oxford Review*, 1967.

⁴ The following two problems are presented by Judith Thomson, "The Trolley Problem," *Yale Law Journal* 94, no. 6 (1985): p.120. Thomson presents *Bridge 2* - often called the *Fat Man Case* - as an argument in favour of explaining the *Trolley Case* with help of the concept of use. She then rejects the whole argument, though, because of examples like *Loop Case*; Scanlon also refers to this latter case as a serious problem for the "use"-account; cf. Scanlon, *Moral dimensions*, p.120.

whether a person is used or not therefore seems to be crucial for judging the permissibility of the respective actions. But critics of this argument point to the following counter-example:

Loop Case: The scenario is identical to the *Trolley Case* with the only exception that the tracks after the one person have the form of a loop and return to the main track heading to the tunnel again.

It is generally argued that in this case we are also using the one person because we now need her presence to save the five workers. If the person were not there, the train would equally run into the tunnel and kill these people. But it is implausible to conclude that in this case the bystander would be acting wrongly, the argument goes, because it is unclear why the form of the tracks should make a moral difference. For all the participants of this discussion it is out of question that *Bridge* and the *Loop Case* are typical examples of using people. I want to argue, in contrast, that although these cases fit the definition that can be extracted from our employing the expression ‘to use’ in natural language, they are not relevant as examples of our *moral* claim that it is wrong to use people. It does not matter morally – or it does not matter in the same way⁵ – that in these examples persons are used in the sense of the above definition of using people. Using people is morally relevant only when we make use of the participation of that person. This claim can be supported by two considerations:

First, in cases such as *Crossing the River* and *Bridge* the fact that A uses B seems to be irrelevant for judging A’s behaviour. It would be equally terrible to shoot B or to throw the man from the bridge because you hate them or to do so arbitrarily. This is also suggested by the consideration that if the man by chance survives, it is very unlikely that he will complain about having been used. It does not seem to be the right reason with regard to the wrong that has been done to him. In situations where the participation of the other person plays a role in the agent’s pursuit of aims, in contrast, the charge of having been used gives reasons that indeed sound convincing. This is the case, for example, when the mother in *The Enchanter* complains of having been used.

Second, what is morally displeasing about using people is that we use them as means to our ends, although they pursue ends themselves. In cases where somebody makes use of our participation it is thus plausible to *feel used*. On the one hand, we are frustrated not to be

⁵ This qualification is meant to leave room for positions that argue that using people does not make these acts wrong but that it makes them worse. This position is defended by Alec Walen, “A Moral Ground for the Means Principle ? Ms.” 2009.

seen as the person we are. On the other hand, we feel degraded because the agent's treatment fits entities of lower rank that do not possess the capacity to set ends for themselves. If we make use of someone's mere *presence*, her ability to pursue ends is irrelevant to our reaching our aim and it would thus be strange to feel the special feeling that can be labelled 'feeling used'. It thus seems clear to me, that the central meaning of the charge 'You were just using me' excludes cases that only make use of someone's presence. We should therefore reject the definition of 'using people' that is extracted from our employment of the expression 'to use' with regard to tools *and* to human beings. The analogy is helpful and plays a role in the etymology of the expression, but it obscures the moral core of the charge 'You were just using me!'. I thus propose to accept a slightly changed definition of 'using people': A is using B, if A interacts with B believing that B's *participation* can help him to realize one of his ends, an end that points away from B.

This analysis gives us a clear picture of our employment of the expression 'to use a person'. It also fits well with the paradigmatic case of using the girl's mother that is depicted in Nabokov's novella: The story's paedophile protagonist meets the 12-year old girl in a park and is immediately fascinated. From this moment on he wants to get close to the girl and comes frequently to the park. By talking to the girl's foster mother he learns about the real mother and acquires the belief that some of her properties, namely her custody rights and her illness, can be helpful in realizing his goal to get close to the girl. He then visits her for the first time pretending to be interested in some of her antique furniture. In accordance with our analysis we can thus say that the enchanter interacts with the mother because he believes that her participation can contribute to the realization of his goal, a goal that does not point to her, but to her daughter instead.

Using persons and well-being

The analysis of our common use of the expression 'to use a person' has helped us to see that using persons differs in kind from other moral wrongdoings. We should be aware, however, that the analysis cannot explain *what is wrong with* using persons. The three conditions of my analysis tell us what it means to use a person, but they do not already name a property that makes acts wrong. There are many cases where using a person – in the sense just defined – is morally innocent: The conditions are, for example, fulfilled when I take a taxi to get to work. In this case I'm interacting with another person believing that this person's

participation can help me to realize a goal that does not point to this person. But in such a case I'm usually not doing anything morally objectionable. What then is it that makes the behaviour of Nabokov's protagonist wrong?

We might be inclined to point to the notion of well-being here: The man's behaviour is wrong because he is self-seeking and merely pursuing *his own well-being*. This objection sounds convincing at first glance, but it does not actually capture well the *Enchanter Case*: The protagonist of Nabokov's short-story has no intention to harm the girl's mother. His actions are not directed against her as is the behaviour of someone who acts out of anger, revenge or jealousy. But we also cannot charge him with complete negligence or indifference to her well-being. As Nabokov tells us he is even, in a certainly limited sense, caring for her and trying to make her feel comfortable:

‘He was unfailingly attentive. He made mooring sounds of consolation and accepted her awkward caresses with concealed hatred [...]. Always even-tempered, always self-controlled, he sustained the smooth tone he had assumed from the start, and she was grateful for everything – for the old-fashioned gallantry with which he treated her, the polite form of address that in her estimation gave tenderness a dignified dimension, the way he satisfied her whims, the new radio phonograph, his docile acquiescence to twice changing the nurses who were hired to care for her around the clock.’ (Nabokov 2009, p.33)

Above, we can easily change the setting of the story a little and imagine that the enchanter is really trying to get close to the girl, because he wants to present her to his paedophile brother. But this change in the motivational structure of the agent does not render his action permissible. Their wrongness therefore does not depend on the motives' aiming at the agent's well-being in a narrow sense.

But we might try to state the objection more precisely: The problem in interacting with somebody in a narrowly self-seeking manner is not that the agent's ends are not to the benefit of *any* person other than himself, but that they are not to the benefit of *his interaction partner*. This interaction partner helps the agent in achieving his ends and so we may expect him or her to profit as well. Interactions that are to the benefit of only one of the interacting parties and that are also intended by the profiting party to have this one-sided outcome seem to be exploitative and to be wrong for this reason.

This new objection loses its plausibility with regard to the *Enchanter Case*, though,

when we remember that the enchanter is indeed caring for the mother. It does not seem right to say that he is exploiting the mother in that she does not profit enough from their interaction. He wants her to feel comfortable and she actually seems to die more happily than she would have without their marriage. She also sees to it herself that the marriage is to her advantage, by checking his bank account, for example. Having this paradigmatic case in mind I am therefore not convinced by the justifications for the wrongness of using persons that point to its self-seeking or exploitative nature.

The indignation that is usually contained in such utterances is therefore not due to the fact that the agent is looking *for his own well-being*. I rather think that the ends a person is pursuing in using another person are problematically *his* ends in another sense. If we say that one person uses another person as a means to his ends, we can be understood to mean that these ends are his and not the other person's ends because they *point away* from the person he is interacting with. The idea of an intention that points away from the interaction partner is not only a grammatical peculiarity of the term 'to use a person', however. It is closely connected to a particular sensation that we can express by saying that we *feel used*. I have argued above that the woman in Nabokov's novella, for example, cannot complain to have been exploited or to have been treated without any care for her well-being. But she certainly has good reasons to feel hurt by the enchanter's behaviour and she can neatly express her negative sensations by complaining that she feels used.

Feeling used

What does this feeling entail? As suggested above, if we feel used we are frustrated not to be seen as the person we are. If you find out that somebody has been using you, you will thus typically feel anger or indignation about the person who treated you in that way mixed with a disappointed awareness that your interaction is not what you hope it could be and the conviction that this is not the way you deserve to be treated. To be sure, the emergence of this feeling does not render an act wrong. Many of the feelings we have are unjustified and somebody might feel used without being used at all. As a feeling that typically accompanies acts of using persons, however, it points to the underlying grounds of wrongness.

An account developed and defended by Thomas Hill, Allen Wood and David Velleman can make sense of this feeling, I believe. These philosophers have stressed that we should follow Kant in distinguishing between two kinds of values to be able to explain human

actions and the normative claims that constrain them: There are values that require our increasing them, i.e. ends to be promoted. But there are also values that constrain our behaviour, i.e. ends to be respected. The former ends are usually future states or events that still have to be brought about through our actions, and the latter ones are self-existent ends that are already there. Velleman puts the difference in the following words:

‘Self-existent ends are the objects of motivating attitudes that regard and value them as they already are, other ends are the objects of attitudes that value them as possibilities to be brought about.’ (Velleman 1999, pp. 357–358)

This characterization fits well to our common wish to be taken as the person we are and not only as something that can be formed to fit other peoples’ ends. We should be aware, however, that this wish can take different degrees of demandingness. We may wish to be actively cherished and loved as the individuals we are and we may wish to be respected as persons. Only the latter wish comes along with strict moral claims. The frustration contained in feeling used can also have these two faces: We may be frustrated, because we become aware that we have not found a loving partner, but only a helpmate in satisfying sexual and social needs. This kind of frustration, I agree with Velleman, is also a moral emotion, but it does not ground direct claims on the other. Love is the ‘optional maximum’ that we can hope for, nothing that we can demand. But respect is the ‘required minimum’ and we can also be frustrated for not getting our proper in this way. The latter kind of frustration is still connected to the feeling that we are not treated as the person we are, because the respect in question is respect for the incomparable value called ‘dignity’ and this value calls for a response to the object *in itself*, not in comparison with others⁶.

Besides frustration, feeling used often involves a feeling of degradation that is expressed by utterances such as ‘I am not *merely* a tool’. The Kantian account of Hill, Wood, and Velleman can explain why we feel degraded in this way when someone uses us: Not every self-existing entity can claim to possess dignity. Things and, according to Kant, animals and plants do not have dignity, but only a price. They therefore can be treated according to the value they have in comparison to other entities and need not be treated as ends in themselves. When a human being is treated without respect for her special value she will therefore feel that she is treated ‘like an object’ or ‘as a means’ and not as a being with

⁶ C.f. Immanuel Kant, *Kant’s gesammelte Schriften*, ed. Preussische Akademie der Wissenschaften (Berlin: Reimer, 1900), vol.6, p. 462.

human rank and status.

Defenders of the value-based account argue that using people is a ‘fundamental pattern in human wrongdoing’ and that it is characterized by a conflation of values: We ‘invert the proper order of incentives’ (Wood 1999, p.143) and use what is of absolute value for the sake of what is only relatively valuable. Velleman introduces the idea of a conflation of value with the help of two non-moral examples: People do sports to stay healthy and people save money to buy things that facilitate or enrich their lives. But people sometimes overdo sports and frugality in a way that is due to a conflation of values: They dedicate themselves to sports and saving money in a way that distracts from their health and their well-being, although health and well-being are the values that are responsible for the relative value of sports and saving money in the first place. According to Velleman, this prudential mistake is *analogous* to the moral mistake of someone who treats an entity with dignity as if it would only have relative value. The confusion of the latter sort is an analogous confusion in the sense that in both cases one impairs an absolute value for the sake of a relative value, although that relative value owes its worth to the absolute one (Velleman 1999).

This pattern of justification can be employed well with regard to the case of Nabokov’s novella: The man believes that the mother can contribute to his ends through her actions. He thus recognizes that she is an autonomous agent and pursuing ends by herself. He has no reason to believe that his own ends are more valuable than hers and to escape the charge of subordinating her ends to his ends he would have to make sure that she shares his end. He is convinced, however, that his ends and the mother’s ends *cannot* be coordinated and therefore deceives her in order to bring about a cooperation nevertheless. But deceiving in order to cooperate necessarily involves a self-contradictory conflation of values: On the one hand the enchanter recognizes the woman to be an autonomous agent whose value does not depend on anything else. On the other hand he circumvents her autonomy and treats her as if her value depended on his own ends. This renders his action wrong and would justify her complaint to feel used. It is thus the belief that my ends cannot be coordinated with the person I am willing to use that is incompatible with the belief in the other person’s unconditional value and it is this incompatibility that makes my acts wrong.

Let me conclude with a final view on the relation between well-being and using persons. My conclusions about this relation are negative in character. According to my account and against some common conceptions, using a person does not necessarily involve acting for one’s own well-being. Neither does it necessarily mean to ignore the well-being of the

interaction partner. What makes using a person wrong is rather the structure of the agent's beliefs and attitudes: An agent recognizes her partner to have self-existent value, but she treats him nevertheless as if his value would depend upon his contribution to her ends.

At the end I would like to raise a question with regard to Nabokov's novella. It is revealing to consider, I believe, whether the protagonist of Nabokov's novella *The Enchanter* only uses the mother that appears in the story *or her daughter as well*. While the man does not feel attracted by the mother, he feels heavily drawn towards the girl. She has characteristics that make her even 'unique and irreplaceable' (V. Nabokov 2009, p.35) in his eyes and he would certainly claim to care for the girl's well-being. He becomes aware of the superficiality of this care, though, when he looks at himself from her perspective. This can be seen at the end of the story when he notices that the girl is not asleep as he presumed, but is actually looking at him while he masturbates:

'For an instant, in the hiatus of a syncope, he also saw how it appeared to her: some monstrosity, some ghastly disease – or else she already knew, or it was all of that together. She was looking and screaming, but the enchanter did not yet hear her screams; he was deafened by his own horror.'

(V. Nabokov 2009, p.57)

With a sensation of horror he recognizes that he tragically failed to do justice to the girl's real value. She was, after all, only a means for him that he judged according to its capacity to fulfil his desires. Just before his own death he becomes aware that as the creatures we are, we do not value a person by looking at her, but by seeing the world through her eyes.

Note

Many of the ideas presented in this paper are developed in more detail in my PhD thesis published electronically in Zurich in 2012. My considerations about the relation between well-being and using persons are presented here for the first time. The whole monograph can be accessed following this link: <http://opac.nebis.ch/ediss/20131617.pdf>.

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